

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

The specification and abstract have been reviewed and revised to improve their English grammar as well as address the informalities identified on page 2 of the Office Action. Specifically, as requested in the objection the specification has been amended to include a reference to S809, which was missing from the originally filed specification. Therefore, withdrawal of this rejection is respectfully requested.

The amendments to the specification and abstract have been incorporated into a substitute specification and abstract. Attached are two versions of the substitute specification and abstract, a marked-up version showing the revisions, as well as a clean version. No new matter has been added.

Claims 1-29 have been cancelled without prejudice or disclaimer of the subject matter contained therein and replaced by new claims 30-56.

Claims 1, 8-15, 20, 28, and 29 were rejected under 35 U.S.C. § 102(b) as being anticipated by Alyfuku et al. (U.S. 5,410,471). Further, claims 1-10 and 20-29 were rejected under 35 U.S.C. § 102(b) as being anticipated by Bardy (U.S. 6,203,495). In addition, claims 1 and 16-19 were rejected under 35 U.S.C. § 102(e) as being anticipated by Haller et al. (U.S. 7,149,773). These rejections are believed clearly inapplicable to new claims 30-56 for the following reasons.

New independent claim 30 recites a vital data utilization system including a server, a receiving apparatus, and a plurality of measurement instruments. Further, claim 30 recites that each measurement instrument includes a vital data measurement unit operable to measure vital data of a subject in a quantitative manner. In addition, claim 30 recites that (1) the server includes database making unit operable to store received sets of information and make a database associating each received set of information with a respective subject and measurement time. Finally, claim 30 recites that (2) the server includes a value-added information making unit operable to calculate the vital data for each respective subject and measurement time (stored in the database) and make value-added information indicating changes over time of average values

of the vital data calculated for the subjects. The Alyfuku, Bardy, and Haller references, or any combination thereof, fail to disclose or suggest the above-mentioned distinguishing features (1) and (2) as recited in independent claim 30.

Rather, Alyfuku teaches a networked health care system 10 (having various appliances connected therein) which merely obtains and transmits vital information to data controller 20 which stores the vital information, wherein the vital information can be accessed by the various appliances of the health care system 10 (see col. 8, lines 52-67; and abstract).

Thus, in view of the above, it is clear that Alyfuku teaches that information is obtained from various appliances and is stored (for later access by the appliances), but does not disclose or suggest the database making unit operable to store received sets of information and make a database associating each received set of information with a respective subject and measurement time, as recited by claim 30. Additionally, it is apparent that Alyfuku fails to disclose or suggest the value-added information making unit operable to calculate vital data for each respective subject and measurement time (stored in the database) and make value-added information indicating changes over time of average values of the vital data calculated for the subjects, as required by claim 30.

Moreover, Bardy discloses a method for providing voice feedback from an individual patient in an automated collection/analysis care system, wherein signals are received from a patient and analyzed by a server system 16 which generates a patient status indicator (see abstract; and col. 7, lines 1-8). Specifically, Bardy teaches that an analysis module 53 is capable of comparing (i) individual measures for a patient with other individual measures of the same patient, and (ii) individual measures for a patient with measures from a group of other patients sharing the same disease (see col. 11, lines 10-20).

In view of the above, it is evident that Bardy teaches comparing a measurement from a patient against (i) another measurement from the same patient or (ii) a measurement from a group of patients having the same type of medical problem, but fails to disclose or suggest the value-added information making unit operable to calculate vital data for each respective subject and measurement time (stored in the database) and make value-added information indicating changes over time of average values of the vital data calculated for the subjects, as recited by claim 30.

Finally, Haller teaches establishing communication between an implanted medical device implanted in a patient and a remote system to determine the operating status of the implanted medical device (see col. 7, line 21 – col. 8, line 44 as cited by the Examiner). However, Haller also fails to disclose or suggest fails to disclose or suggest the value-added information making unit operable to calculate vital data for each respective subject and measurement time (stored in of the vital data calculated for the subjects, as required by claim 30. Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 30 and claims 31-43 which depend therefrom are not anticipated by Alyfuku, Bardy, or Haller.

Moreover, new independent claim 44 recites that the value-added information making unit is operable to (i) calculate differential values between the vital data and previously-set standard values of the vital data, (ii) average the calculated differential values concerning subjects satisfying a predetermined condition in a predetermined time segment, and (iii) make value-added information indicating changes over time of average values of the differential values concerning the subjects. In view of the above-described features of Alyfuku, Bardy, and Haller, is it clear that independent claim 44 recites features (i.e., feature (iii) as described above) which are neither disclosed nor suggested by Alyfuku, Bardy, or Haller. Accordingly, it is respectfully submitted that independent claim 44 and claim 45 which depends therefrom are not anticipated by Alyfuku, Bardy or Haller.

In addition, new independent claim 46 recites that the value-added information making unit is operable to (i) calculate differential values between respective vital data included in sets of information stored in individual subject databases and individual subject averages of the vital data in a past predetermined period, (ii) average the calculated differential values concerning subjects satisfying a predetermined condition in a predetermined time segment, and (iii) make value-added information indicating changes over time of average values of the differential values concerning the subjects. In view of the above-described features of Alyfuku, Bardy, and Haller, is it clear that independent claim 46 recites features (i.e., feature (iii) as described above) which are neither disclosed or suggested by Alyfuku, Bardy, or Haller. Accordingly, it is respectfully submitted that independent claim 46 and claim 47 which depends therefrom are not anticipated by Alyfuku, Bardy, or Haller.


Furthermore, there is no disclosure or suggestion in Alyfuku, Bardy, or Haller or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Alyfuku, Bardy, or Haller to obtain the invention of independent claims 30, 44, and 46. Accordingly, it is respectfully submitted that independent claims 30, 44, and 46 and claims 31-43, 45, and 47 which depend therefrom are allowable over the prior art of record.

New independent claims 48 and 52-56 recite a server, a vital data utilization method for a system, a vital data utilization method for a server, a computer program for a server, and a receiving apparatus, respectively. Claims 48 and 52-56 each recite features that correspond to the above-mentioned distinguishing features of independent claim 30 (e.g. making value-added information indicating changes over time of average values of the vital data calculated for the respective subjects). Thus, for the same reasons discussed above, it is respectfully submitted that independent claims 48 and 52-56 and claims 49-51 which depend therefrom are allowable over Alyfuku, Bardy, and Haller.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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